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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,842	08/29/2003	David Duncan	7535.00006	8174

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GREENBERG TRAURIG
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EXAMINER

CHANG, SUNRAY

ART UNIT	PAPER NUMBER
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2121

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/651,842

Applicant(s)

DUNCAN ET AL.

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in responsive to the paper filed on October 19th, 2006.

Claims 1 – 4, 6 and 9 – 16 are presented for examination.

Claims 1 – 4, 6 and 9 – 16 are rejected.

Claims 5, 7 and 8 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 – 4, 6, and 9 – 16 are rejected** under 35 U.S.C. 102(e) as being anticipated by James D. Causey, III et al. (U.S. Patent No. 6,641,533, and referred to as **Causey** hereinafter).

Regarding independent claims 1, 6 and 9, Causey teaches,

- An access control system, [a physician will be able to configure the device to provide or restrict access to certain programming options, Col. 9, lines 38 – 41], coordination of data management and programming through the PDA, Col. 1, Lines 22 – 27] comprising:

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- two or more apparatus, [Fig. 25] each apparatus comprising:
- a port for connecting [outlet, Fig. 21] to a field device [tubing and set, Fig. 21]; [see more detail in Col. 8, Line 66 – Col. 9, Line 8]
- a display; [Fig. 2 & 3; Col. 18, Lines 19 – 37] and
- a user interface to be displayed on the display [Palm computing software; various icons representative of different programs available on the PDA, Fig. 2 & 3; Col. 18, Lines 19 – 37], the user interface to be used for at least one of programming the apparatus, testing the apparatus or managing the apparatus [medical device], the user interface further operable to be used for at least one of maintaining, retrieving or modifying access control information of the access control system. [programming, accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and see also a writing area for entering data using the stylus, Col. 18, Lines 19 – 37]; and wherein
- a first apparatus is operable to be used for at least one of programming [programmed through a keypad, Col. 9, Line 15], testing [Col. 9, Line 60 – Col. 10, Line 20], or managing [configure, Col. 9, Line 38] a second apparatus in the access control system. [Col. 9, Lines 38 – 41]

Regarding dependent claim 2,

The access control system of claim 1, wherein:

- each apparatus includes a housing; [Fig. 7, 22 and 25; Abstract, Lines 5 – 7] wherein
- the housing houses a plurality of personality modules medical [multiple medical device modules]; [Abstract, and Col. 18, Lines 53 – 55] wherein

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- the housing houses the display. [Fig. 2, Lines 25 – 55]

Regarding dependent claim 3,

The access control system of claim 1, wherein each apparatus further comprising:

- a port for connecting to a server. [Fig. 25 and “server” in Col. 18, Lines 14 – 18]

Regarding dependent claims 4 and 16,

The access control system of claim 1, wherein

- the display of each apparatus is an LCD touchscreen. [Fig. 2, Col. 18, Line 25]

Regarding dependent claim 10,

The method of claim 9, further comprising:

- configuring a remote [remote programming, Col. 23, Lines 41] personality module [one module can be modified or replaced, Col. 24, Lines 46 – 50] using the display [single key programming, Col. 12, Line 37].

Regarding dependent claim 11,

The method of claim 9, further comprising:

- controlling the field device using the display. [regular program activating features, Col. 18, Lines 31 – 32]

Regarding dependent claim 12,

The method of claim 9, further comprising

- viewing diagnostic information for the personality modules using the display. [L.E.D. optional indicator, Col. 23, Lines 12 – 23]

Regarding dependent claims 13 and 14,

The access control system of claim 1 or 6, wherein

- the user interface of each apparatus is further operable to accessing a field device. [accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and also Col. 18, Lines 19 – 37]

Regarding dependent claim 15,

The method of claim 9, wherein

- displaying a user interface on the display [Palm computing software; various icons representative of different programs available on the PDA, Fig. 2 & 3; Col. 18, Lines 19 – 37], the user interface is further operable to accessing a field device. [accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and also Col. 18, Lines 19 – 37]

Response to Amendment

Claim Rejections - 35 USC § 102

3. Applicants' argument regarding "Causey does not expressly or inherently disclose an access control system or a user interface capable of maintaining, retrieving or modifying access control information" which is disagreed with. Causey discloses a physician will be able to configure the device to provide or restrict access to certain programming options, Col. 9, lines 38 – 41] and a personal data assistants (PDA) which has been used to facilitate testing and monitoring of a patient's condition with coordination of data management and programming through the PDA [see Col. 1, Lines 22 – 27].

4. Further reference, "wikipedia http://en.wikipedia.org/wiki/Access_control#Telecommunication", has been cited by the examiner to provide for an explanation to the limitation, "access control", not only been limited to entrance access control but also function, programming or some special tools.

Conclusion


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. via telephone number (571) 272-3682 or facsimile transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687.

The official facsimile transmission number for the organization where this application or proceeding is assigned is (571) 273-8300.


Anthony Knight
Supervisory Primary Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

January 2, 2007